

Republic of Colombia
MINISTRY OF CULTURE

Resolution Number 0395 of the 22nd March 2006

"By way of which some categories of movable assets located in the Colombian territory are declared National Cultural Interests Assets"

THE MINISTRY OF CULTURE

In exercise of her legal power conferred by Article 8 of Law 397, 1997 and,

WHEREAS:

The Heritage Direction of the Ministry of Culture, in the exercise of its functions promotes the declaration of National Cultural Interest Assets of the following movables and sets of movables currently located within the national territory, belonging to natural or legal persons and which were manufactured before the 31st December 1920, by identified, attributed or anonymous authors, comprising the values considered in the whereas clauses of this Resolution, such as:

- Original paintings and drawings totally hand made on any type of media and in any technique and material.
- Original sculptures made in any technique and material
- Monuments and commemorative plates
- Pictures, engravings, lithography and original plates of the engravings, as well as any serial reproduction work
- Liturgical objects
- Utilitarian objects used in domestic religious and secular life
- Attire related to religious and secular life
- Furniture related to religious cult and domestic life
- Scientific objects

- Musical instruments belonging to public and private museums or to public institutions
- Weapons belonging to public and private museums or to public institutions
- Mail stamps, fiscal stamps or similar, belonging to public and private museums or to public institutions
- Inscriptions, coins, notes, engraved seals and medals belonging to public and private museums or to public institutions
- Bibliographic and magazine material belonging to public and private institutions' libraries

Article 8 of the Law 397 of 1.997 set forth that the National Government, through the Ministry of Culture and previous concept of the National Monuments Council is responsible for the declaration and management of National Monuments and National Cultural Interest Assets.

Within the functions of the Heritage Direction, according to Decree 1746 of 2003, is advising the Minister of Culture on the design of policies and proposals for the preservation, conservation, protection and study of the movable and real estate heritage and it is in charge of designing, coordinating, implementing, directing and executing the projects and programs related to the appraisal, protection, conservation, restoration and emergency attention of the National Cultural Interest Assets, according to the Ministry's policies.

The colonial period (XV, XVI, XVII and XVIII century) movable cultural heritage comprises both objects produced in the country by carvers, painters, decorators, illuminators and goldsmiths, among other occupations, as well as by those brought into the country from Europe and other countries for the evangelizing action of religious orders and for the society's domestic life.

The period between 19th Century until 1920 left important material testimonies of political, social, military, economic, scientific and cultural events and of the characters who forged independence, creation and consolidation of the Colombian nation and state. The fundamental criteria for the selection of this period going up to 1929 is based on the fact that the aforementioned events, specially the socio-cultural ones, do not explicitly evidence big structural changes until after the first two decades of the 20th Century, being a continuum of the nineteenth century.

The cultural assets comprise different values which, within the values framework, may be articulated with each other, allowing their recognition through their cultural significance, established through the consideration of values and criteria.

CONSIDERATION:

According to the Heritage Direction, movable cultural assets mentioned in this resolution manufactured before the 31st December 1920, represent a special interest and due to their representation of and for the country and in virtue of the consideration values and criteria exposed hereinafter, bear the conditions to be declared as National Cultural Interest Assets, and therefore it recommends the National Monuments Council to consider these values for its concepts, as follows:

Values:

1. Historical Value

Historical value, related to the asset's time factor, is its direct association to ages, political, economic, social and cultural characters and events, especially important in the Nation's formation and evolution, because it becomes a document, testimony and expression of originality.

From the colonial period, between the 15th, 16th, 17th and 18th centuries, characterized by the catholic religious subject linked to the evangelization process, the arts and crafts gathered in workshops where anonymous or referred works as well as recognized attributions are produced, every day use objects recognized as own due to their manufacturing and function, works and objects imported from Europe and other countries which display socio-cultural, economic and political processes, contexts and actors of the colonial time, such as works of art, everyday objects, liturgical, ornamental and scientific objects.

From the time comprising the independence events as well as the construction of the republic as a nation, events taking place during the 19th century; and the second one, considered up to the first two decades of the 20th century. Events especially characterized by the gradual secularization processes expressed and represented by portrait, landscapes, photography, crafts and arts linked to national and foreign individual artists, to recognized schools and academic processes; works of art, furniture, decorative, military, everyday and scientific objects.

Historical value of these movable cultural heritage objects is given because they become:

- a) Documents, as information sources for the historic construction and scientific knowledge of those eras, understanding that documents as primary sources are not only the written ones.
- b) Testimonies, as evidence, justification or verification of the certain existence of such significant periods, facts or characters.
- c) Expression of originality, as validation of the asset's age and its authorship, either in anonymous, attributed and sign works; in works belonging to a cultural group, or in those works produced by factories, workshops, schools or associations comprised within the characterization of the aforementioned ages.

2. Esthetic Value

Esthetic Value, related to its formal and physical characteristics, in its artistic, stylistic, ornamental and design attributes and with the materiality constituted by the asset in conjunction with the materials and production materials, the state of preservation and its authenticity.

From the colonial period, between the 15th, 16th, 17th and 18th centuries and from the Independence and republic conformation periods from the second half of 19th Century and until the first two decades of the 20th century. Esthetic value of these eras and their events comprises and is characterized by:

- a) Materials and manufacturing techniques talking about stylistic influences, diverse European design, tastes, subjects and crafts as manners belonging to mixed races processes, the independence processes and those of the construction of republican autonomy and their qualities.
- b) The state of preservation of the said material condition of the aforementioned objects which talk about their use, care and maintenance.
- c) Authenticity referred to the distinction and accreditation of the manufacturing stages or periods, superposition, addition or modifications of the original material or structure of the said heritage.

3. Symbolic Value

Symbolic value shows worldviews as it synthesizes and fuses views and feelings of the individual and collective worlds, maintaining a strong identification and social cohesion related psychological power. Symbols maintain and renew, through their updating power, aspirations, desires and built and interiorized ideals which link times and memory spaces.

From the colonial period, between the 15th, 16th, 17th and 18th centuries, and from the second half of the 19th century until 1920, time of the independence and conformation of the republic, its symbolic value is constituted when, within a:

- a) physical and geographic context, they have been conceived as integral part of an property emblematic of these ages and when they have contributed to the construction of identity and belonging to a population in an area with heritage related characteristics
- b) socio-cultural context linked to community related happenings, events or activities and it possesses great importance for the social and cultural life of the populations. This meaning given to the said assets by a community, benefits their appropriation.
- c) memory context as they are referred to images from the past, which a community considers as an essential part of its identity and which, as they are incorporated into the present, are part of its culture.

Functions assigned by Decree 3048 of 1997 to the National Monuments Council Technical Secretariat include submitting to the said Council the reports, studies and other documents required. To comply with Article 8 of Law 397 of 1997, the Heritage Direction, again, submitted to the National Monuments Council the study on the request for the declaration of National Cultural Interest Assets of the movable assets and sets of movable assets currently in the national territory, belonging to natural and legal persons and which were manufactured before the 31st December 1920, by identified, attributed or anonymous authors and which bear the values in the whereas clauses of this Resolution, according to the 011 of the 2nd November 2005. According to the aforementioned valuation, the National Monuments Council recommended the Minister of Culture its declaration

Consequently and based on powers issued by Article 8 of Law 397 of 1997 and Decree 1746 of 2003, it corresponds to the Minister of Culture to issue the administrative act declaring the movable asset and sets of assets currently in the national territory, belonging to individual or legal persons which had been created before the 31st December 1920, by identified, attributed or anonymous authors and which bear the values considered in the whereas clauses of this Resolution as National Cultural Interest Assets. In light of what has been stated,

IT IS HEREBY DECIDED:

ARTICLE 1.- Declare as National Cultural Interest Assets, the following movable assets and sets of assets currently in the national territory, belonging to individuals or legal persons and which had been created before the 31st December 1920, by identified, attributed or anonymous authors, comprising the values considered in the whereas clauses of this Resolution:

- Original paintings and drawings totally hand made on any type of media and in any technique and material.
- Original sculptures made in any technique and material
- Monuments and commemorative plates
- Pictures, engravings, lithography and original plates of the engravings, as well as any serial reproduction work
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- Bibliographic and magazine material belonging to public and private institutions' libraries

ARTICLE 2.- Regime. Movable assets declared as National Cultural Interest Assets in the previous Article shall be subject to the National Cultural Interest Assets' Regime provided by Article 11 of Law 397 of 1997. Consequently, their owners, beneficiaries, holders and other persons exercising disposal or holding faculties over them at any title, should fully comply with the aforementioned regime

Paragraph.- Declaration set forth in Article 1 of this Resolution shall not affect the particular property rights over the corresponding movable assets, without prejudice of restrictions derived from the enforcement of the regime for National Cultural Interest Assets mentioned in Article 11 of Law 397 of 1997.

ARTICLE 4.- Cultural Heritage National Registry. According to provisions of Article 14 of Law 397 of 1997, whoever has, at any title, cultural interest assets stated in this resolution, should proceed with their inscription at the Ministry of Culture's Heritage Directorate. Regional institutions should send their respective records to the Heritage Directorate.

ARTICLE 5.- Assets from other countries shall not be covered by this Resolution, provided they have been legally imported in a period not longer than ten (10) years. Therefore, they should be declared to DIAN at the moment they enter the country.

ARTICLE 6.- This Resolution shall be in full force as of its publication date.

Bogotá D.C.,

ELVIRA CUERVO DE JARAMILLO
Minister of Culture